



Town of Garrett Park  
PO Box 84  
4600 Waverly Avenue  
Garrett Park, MD 20896

Scheduled Meeting of Task Force  
Garrett Park Town Hall  
10814 Kenilworth Avenue  
Garrett Park, MD 20896

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## MINUTES

**Meeting Call to Order:** Convener Gene Brantly called the meeting to order at 8:15 PM. Present were Task Force members Lizzie Gliddon-Boyle, Kay Hager, Todd Harris (8:54 PM), Ken Ingham, Barbara Jackson, Pat Keating, John King, Cindy Kratz, Peter Kratz, Pam Morgan (8:35 PM), Kevin Pope, Bob Reinhardt, Nancy Schwartz, Natalie Shelton; Members *Ex Officio* Beth Irons, Chris Keller; and Town Administrator Ted Pratt.

**Approval of Agenda:** Gene Brantly presented the agenda:

- Presentation on GP Ordinances (prepared by Harry Gordon) - Bob Reinhardt
- Approval of Minutes: Meeting of 04/16.
- Plan for Remaining Meetings
- Reports from Subcommittees

Gene asked if there were other items that should be added to the proposed agenda, and after a brief discussion it was approved without objection.

### **Approval of Minutes:**

Minutes of the Initial Meeting of 03/15/2009:

Gene Brantly **MOVED**

That the minutes of the Initial Meeting of the Land Use Task Force held on April 16<sup>th</sup> be approved as distributed. Ken Ingham seconded the motion. After discussion the motion to approve the minutes of the meeting of April 16<sup>th</sup> with corrections was **PASSED** without objection.

### **Presentations:**

GP Ordinances Overview (Prepared by Harry Gordon): At 8:25 PM Gene Brantly asked Bob Reinhardt to give the presentation of the Garrett Park Code of Ordinances prepared by Harry Gordon, who was out of the country on a business trip. The presentation is attached to these minutes and lasted until 9:15 PM.

**Discussion/Action:**

- Gene Brantly asked Pam Morgan to review her comments on terminology. Pam Morgan discussed her email of 21 May (attached to these minutes).
- Gene Brantly asked for suggestions regarding getting Task Force access to legal opinion, noting that the Mayor and Council were prepared to support this effort. Gene also requested that Task force members be prepared to submit questions in writing.

**Subcommittee Reports:**

- Technical Standards Committee: There was discussion concerning the format of the comparison of various municipal codes and what elements of these code were considered most significant: impervious surface regulation, trees on private property, building height measurement and control, green design, etc. Pam Morgan volunteered to develop a matrix for the subcommittee to review.
- Research Subcommittee: Natalie Shelton reported that the subcommittee had met three times and begun the process of gathering data. Natalie noted that the subcommittee would like greater specificity from the Task Force and/or the Technical Standards Subcommittee as to the most important elements of land use regulation to be considered to better guide research. Bob Reinhardt stated that he would develop an analysis of the various definitions used in county and municipal codes. Natalie reported that Lizzie Gliddon-Boyle had gone to Park and Planning's office in Silver Spring and obtained a printed copy of a county map of Garrett Park that consisted of an aerial photograph of the Town with lot lines overlaid. While not completely accurate, these lines did define the lots well enough for research purposes. Natalie further reported that the subcommittee was categorizing lots using a number of parameters and was working with the Town Office to get data entered into some form of database where it could be analyzed.

**Future Meetings**

Gene Brantly passed out a proposal on topics for future meetings (attached to these minutes [**NOTE:** I need a copy of this]). There was discussion regarding future meetings.

**Adjournment:** The meeting adjourned at 10:30 PM

Respectfully Submitted,

[TOWN SEAL]

Edwin Pratt, Jr., Clerk-Treasure

**ATTACHMENT**

# An Overview of Garrett Park Building Regulations

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Harry Gordon, FAIA  
Chairman  
GP Setback Advisory Committee  
May 2009



The Committee (SAC) makes an objective assessment of each building permit application and advises the Town regarding the conformance with the GP ordinances.

In addition, the SAC frequently does an informal review of proposed designs before a permit application is received.

## The Town and County Regulations are Designed to be Complementary

- ☐ Garrett Park Ordinances, Chapter 4, *Building, Housing and Business Regulations*
- ☐ Montgomery County Code, Zoning Ordinance, Sec. 59-C-18.111, *Residential and Open Space Preservation Overlay Zone for the Town of Garrett Park*

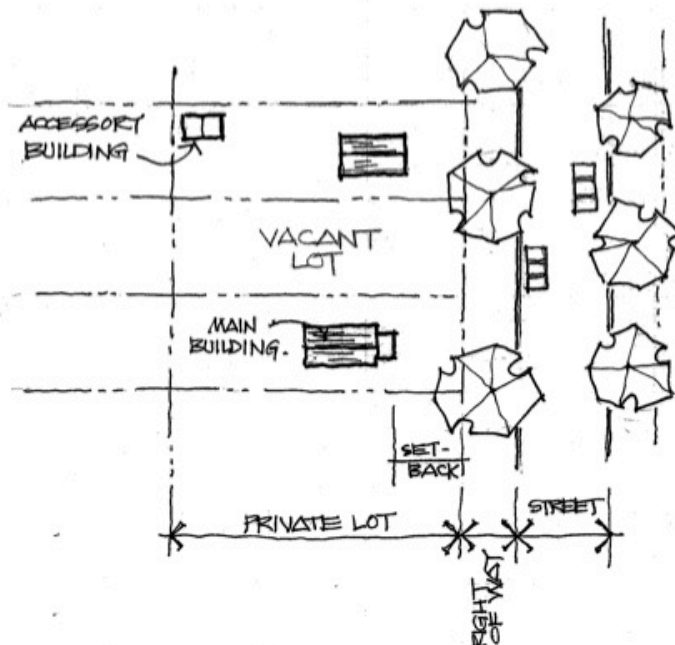
## Purposes of Garrett Park Regulations – Section 402(a)

1. To....preserve and protect the lands and improvements within the Town by ensuring that all proposed new construction and alterations to buildings in the Town be compatible with the Town's existing scale, natural topography, vegetation, trees, physical setting, and density of development.

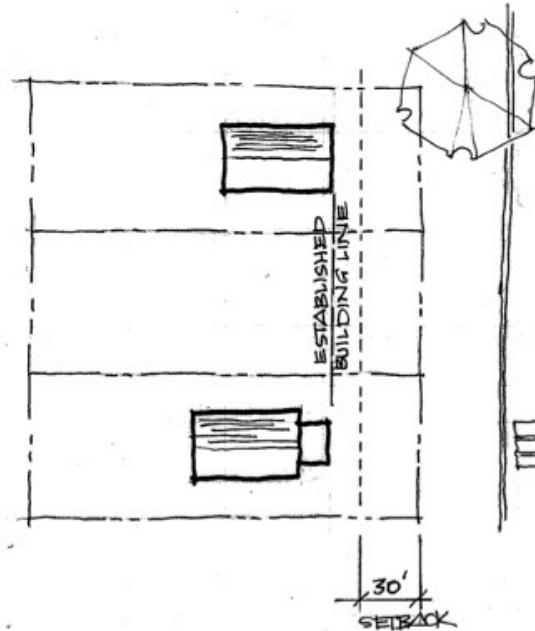
## Purposes of Garrett Park Regulations – Section 402(a)

2. To establish stricter or additional building location or setback requirements than those of the current Montgomery County Zoning Ordinance for the construction, repair, erection, or remodeling of houses, buildings, or other structures.....

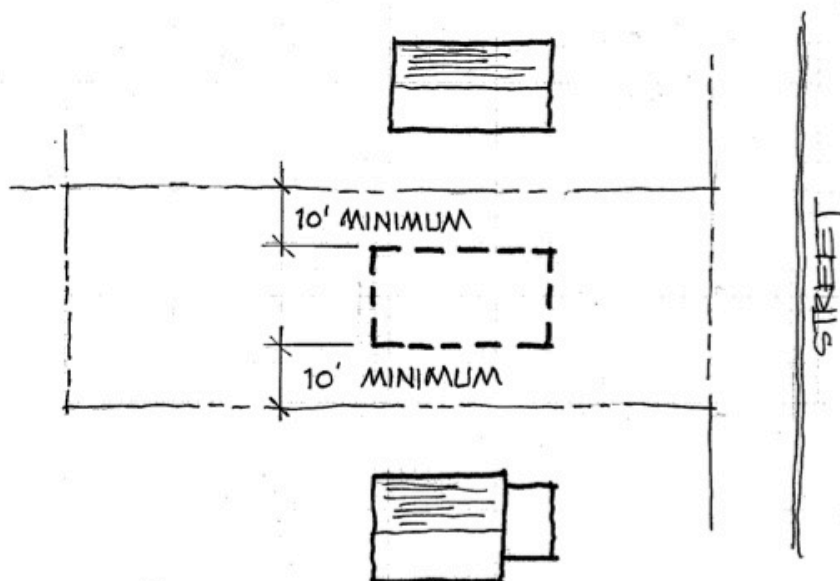
## Overview and Terminology



Front setback is the greater of 30 feet or the established building line



Each side setback must be 10 feet minimum, and total must be at least 40% of lot width





The rear setback requirement is determined based on the depth of the lot.

- ☐ 40-foot rear setback for a lot of 100 feet in depth.
- ☐ Increased for lots of greater depth (or decreased for lots of smaller depth) by 70% of the difference between the average depth of the lot and 100 feet.
- ☐ Example: 200-foot lot depth:  
 $40 \text{ ft} + 0.70(200 \text{ ft} - 100 \text{ ft}) = 110 \text{ ft}$

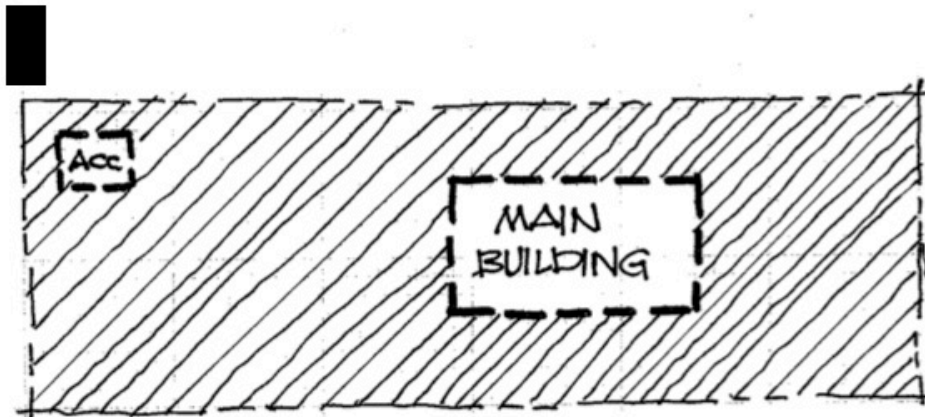
## Adjustments to Setbacks

- ☐ Either the rear or side setbacks may be adjusted provided that the resulting reduction in rear or side setback is offset by an equivalent increase in the square footage of the other yard areas. (402(b)(4)).
- ☐ This provides flexibility in placement of the main building while maintaining the building (lot) coverage limit.

The Setback Advisory Committee advises the Town Council on the interpretation of the GP ordinances for individual building permit applications.

- ☐ Council Member – Beth Irons
- ☐ Committee Members:
  - Harry Gordon
  - Ed Shawaker
  - Pat Keating

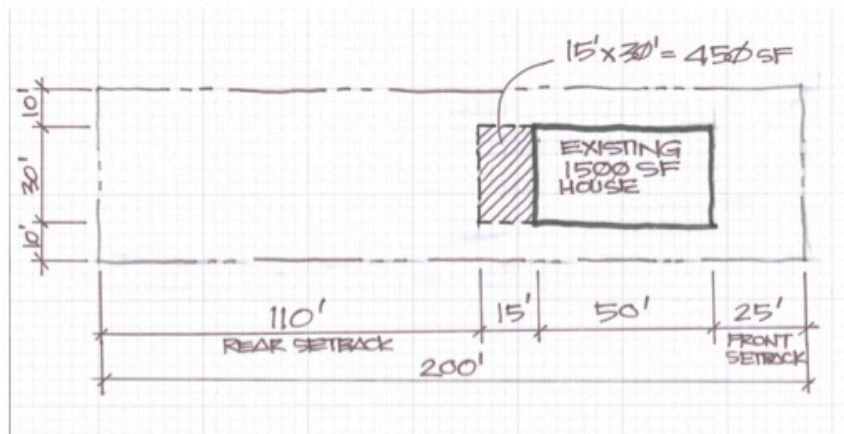
The main building cannot exceed 18% of lot area.



In addition, the Montgomery County Garrett Park Overlay Zone limits the building (lot) coverage of the main and any accessory building(s) to 20% of lot area.



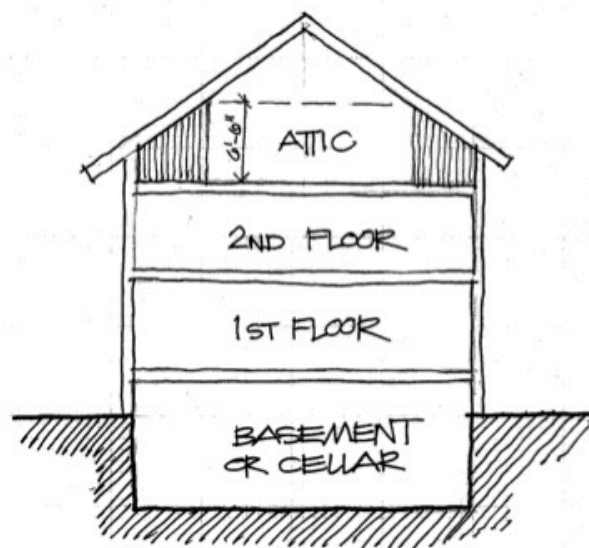
## Example of Common GP Existing Building with 25-foot Front Setback



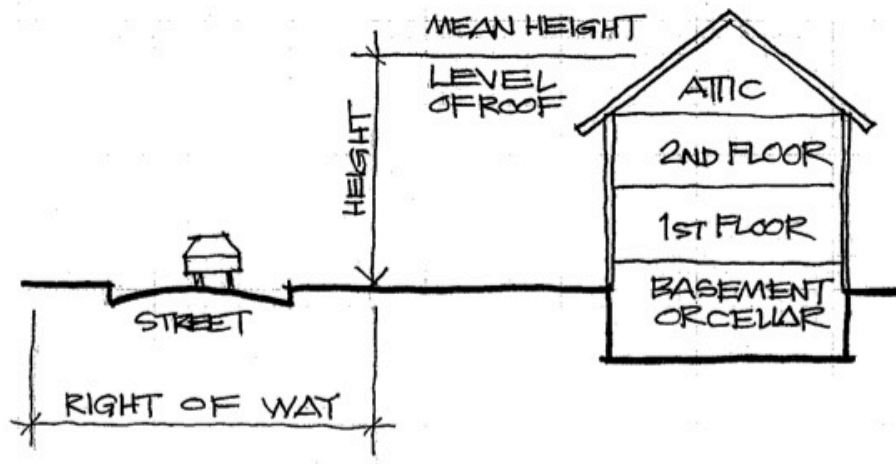
Without the 18% lot coverage provision, an addition of 450 SF could be added to the existing 1,500 SF house, which would result in 1,950 SF for the main building, equaling a lot coverage of 19.5%. Both setbacks and lot coverage are needed.

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Maximum floor area ratio for main and accessory buildings = 0.375



Under Montgomery County Zoning Regulations the main building height may not exceed 35 feet



Garrett Park does not currently regulate building height.

## Basis for Variance

- ☐ ....where unusual dimensions, shape, topography, or other exceptional characteristics of a particular lot are such that the strict and literal enforcement... would result in unusual practical difficulties, or exceptional or undue hardship on, the owner...

## Other Provisions

- ☐ Front porches may extend 8 feet into setback for buildings existing before 1999
  - ☐ Lots less than 8,600 square feet may seek a variance permitting greater lot coverage
  - ☐ Corner lots – both street frontages are treated as front setbacks
- 

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- ☐ ....where unusual dimensions, shape, topography, or other exceptional characteristics of a particular lot are such that the strict and literal enforcement... would result in unusual practical difficulties, or exceptional or undue hardship on, the owner...
-

**ATTACHMENT**

**From:** Pam Morgan

**Date:** May 21, 2009 10:08:40 AM EDT

**Subject: Re: April Meeting Draft Minutes**

Ted and Gene --

Ted thanks for the minutes. I will later send my proposed changes, inserted into the text.

The minutes have prompted me to put forward a request to Gene Brantly that has been forming since our first meeting:

**Gene,** could we please set aside time at the next meeting on Thursday May 28 to review some basic principles of land use? We need to reach a common understanding of definitions of land use terminology, as well as understand which governmental entity has which responsibility in a typical land use scenario.

I am prompted to make this request by reference in the minutes to "Garrett Park zoning", "zoning regulations", "the Town's zoning ordinance", "Garrett Park Zoning Ordinance", and "current zoning code".

Garrett Park has no zoning authority, by Maryland law. Garrett Park has no zoning ordinance, no zoning regulations, no zoning code.

Five meetings into this process is not too soon to establish a fundamental knowledge of the basics.

The People's Counsel for Montgomery County, Martin Klauber, may be a good legal counsel to talk to the LUTF about the respective roles, particularly the scope of Montgomery County. On his website he says, "The People's Counsel would like to address your organization. Please call the number below to arrange a meeting. If you have any questions or need assistance, please call us at 240-777-9700."

I've copied two definitions from the Montgomery County Zoning Ordinance. Zoning for Garrett Park is an authority exclusive to Montgomery County, not Garrett Park. The Montgomery County Zoning Ordinance (Chapter 59) restricts the "elements" listed in their zoning definition. Garrett Park has ONLY the legal right to further restrict any element as established by the Montgomery County Zoning Ordinance, which Garrett Park does in its building ordinances.

**Zone:** An area within which certain uses of land and buildings are permitted and certain others are prohibited; yards and other open spaces are required; lot areas, building height limits and other requirements are established; and all of the foregoing are identical for the zone in which they apply.

**Zoning map:** The zoning map of the Maryland-Washington Regional District in the county, dated May 31, 1958, together with all amendments thereto subsequently adopted.

The minutes also make these references: " Harry Gordon noted that many municipalities include a tree ordinance within their over-all zoning code." and "[The Research] Subcommittee will need input from Technical Standards Subcommittee regarding methodology for contrasting and comparing different municipal zoning ordinances."

The LUTF needs to be aware that not all of the 19 municipalities in Montgomery County are governed by the same Maryland law.

Under Maryland law (Article 66B) seven municipalities in Montgomery County have self-governance: they have their own zoning map, define their own zones, and establish their own building restrictions applicable to each zone. The seven municipalities are Brookeville, Poolesville, Laytonsville, Rockville, Barnesville, Gaithersburg, and Washington Grove. They are not governed by the "Regional District Act" in MD Law Article 28 8-115.1, which places Garrett Park under MNCPPC and Montgomery County, subject to MNCPPC's zoning map and MC ordinances. As we all know, the MC ordinance was modified at Garrett Park's request in 1992 to create a special "overlay" zone that applied unique restrictions to Garrett Park.

Gene, as part of the review of fundamentals at the next meeting, please let's review this Maryland law, the Regional District Act, that was distributed at the first LUTF meeting. The subcommittees would benefit from understanding the allowable scope for the LUTF under Maryland law.

Thanks – Pam

**ATTACHMENT**

**From:** Bob Reinhardt <reinarc@verizon.net>  
**Date:** June 9, 2009 9:58:19 PM EDT  
**To:** "Edwin (Ted) Pratt" <garrett-park@comcast.net>  
**Subject: Re: May Meeting Minutes**

Ted,

There are two areas of differing opinions between the Setback Committee, chaired by Harry, and me:

**1. The Garrett Park Setback Ordinance Section 402 (b) Setback and Lot Coverage Requirements states**

*All buildings on land zoned for single-family residential use hereafter erected or altered shall adhere (except as provided in Section 40(d) to the setback and lot coverage requirements of the Montgomery County Zoning Ordinance and definitions in effect at the time of the application for a building permit, and to the additional setback and lot coverage requirements set forth below:*

To my mind today and as one of the authors then of the Setback Ordinance, the below exemption (copied intact) from controls from the Montgomery County Zoning Ordinance which deals with bay windows, chimneys, porches, terraces, etc. should always have applied to Garrett Park since the above quote does not state otherwise. The Setback Committee interpreted this differently. I believe that they did not allow any of the below exemptions from controls.

*Division 59-B-1. Exemptions From Height Controls.  
Sec. 59-B-1.1. Belfries, chimneys, etc.*

*The building height limits under this chapter do not apply to belfries, chimneys, cupolas, domes, flagpoles, flues, monuments, television antennae or aerials, spires, tanks, water towers, water tanks, air conditioning units or similar roof structures, and mechanical appurtenances, or, if associated with an optional method development project and where recommended in an approved urban renewal plan, rooftop architectural features, except:*

*(a) Where such structures are located within an airport approach area, as designated on the zoning map; or*

*(b) In the case of air conditioning units or similar roof structures and mechanical appurtenances located on buildings in the RT-6.0, RT-8.0, RT-10.0, RT-12.5 and R-30 Zones or constructed under the standard method of development procedures in the CBD-0.5, CBD-R, and CBD-1 Zones, this exemption is limited to 8 feet.*



*A roof structure must not have a total area greater than 25 percent of the roof area except that a larger area may be approved for buildings approved by the Planning Board under the optional method of development procedures in the central business district zones. A roof structure must not be used for any purpose other than a use incidental to the main use of the building. Exempt space must not be used for retail, general and professional offices, or similar uses.*

*(Legislative History: Ord. No. 10-14, § 1; Ord. No. 10-53, § 2; Ord. No. 14-10, § 2; Ord. No. 15-03, § 3; Ord. No. 15-54, § 2.)*

*Editor's note-The above Section is cited in Permanent Financial Corporation v. Montgomery County, 308 Md. 239, 518 A.2d 123 (1986).*

*Division 59-B-2. Exemptions From Yard Requirements.*

*Sec. 59-B-2.1. Walls or fences.*

*The building line and yard requirements of this chapter do not apply to:*

*(a) retaining walls where changes in street grade, width or alignment have made such structures necessary,*

*(b) deer fencing in:*

*(1) all agricultural zones; and*

*(2) the rear and side yards of all non-agricultural zones unless the lot or tract adjoins a national historical park.*

*(3) the rear and side yards of all non-agricultural zones if the lot or tract adjoins a national historical park and the deer fence is located at least 100 feet from a national historical park boundary.*

*(c) other walls or fences that are 6 1/2 feet or less in height and are not on a lot or tract adjoining a national historical park,*

*(d) rustic fences on a lot or tract adjoining a national historical park,*

*(e) boundary fences on the rear and side yards if the lot or tract is located within 100 feet of a parking lot in a national historical park.*

*(f) deer and other fences not over 8 feet in height if the property is farmed and agriculturally assessed.*

*On a corner lot in any residential zone, a deer fence must not be located closer to the street than the face of the building.*

*Fence height is measured from the lowest level of the ground immediately under the fence.*

*On a corner lot in any residential zone a fence, wall other than a retaining wall, terrace, structure, shrubbery, planting or other obstruction to vision must not have a height greater than 3 feet above the curb level for a distance of 15 feet from the intersection of the front and*

*side street lines.*

*(Legislative History: Ord. No. 14-55, § 2; Ord. No. 16-06, § 2.)*

*Cross reference-Fencing of swimming pools, § 51-15 et seq.  
Division 59-B-3. Exemptions For Projections.  
Sec. 59-B-3.1. Steps, terraces, and porches.*

*(a) Open steps and stoops, exterior stairways, terraces, and porches may extend into any minimum front or rear yard not more than 9 feet.*

*(b) For side yards; (i) except in the case of a corner lot, open steps, stoops, exterior stairways, terraces, and porches may extend into any minimum side yard not more than 3 feet; (ii) on a corner lot having a minimum side yard 25 feet or more in width, open steps, stoops, exterior stairways, terraces, and porches may extend into such minimum side yard not more than 9 feet; (iii) on a corner lot having a minimum side yard of less than 25 feet in width, there must be no encroachment on the minimum side yard.*

*(c) Steps, stoops, exterior stairways and terraces that extend into the minimum required yards may be roofed but must not be enclosed. Any roof covering steps, stoops, exterior stairways, and terraces may extend not more than 3 feet into the minimum required yard.*

*(d) Roofed, but not enclosed, porches may extend into the minimum required front or rear yard not more than 9 feet, including the roof. If any portion of a roofed but not enclosed, porch extends into the required minimum front yard, the porch and its roof may extend not more than 9 feet from the face of the building parallel to the front lot line.*

*(Legislative History: Ord. No. 14-57, § 1.)  
Sec. 59-B-3.2. Bay windows.*

*In any residential zone, any bay window, oriel, entrance, vestibule or balcony, 10 feet or less in width, may project not more than 3 feet into any minimum front or rear yard.*

*Sec. 59-B-3.3. Cornices, eaves, outside stairways, chimneys, air conditioners and heat pumps.*

*(a) Cornices and eaves may project 2 1/2 feet or less over any court or yard, but such projection shall be not less than 2 feet from the vertical plane of any lot line. Where a wall is located on a lot line, such projections may extend across the lot line in accordance with provisions contained in section 50-20 of the subdivision regulations concerning limitations on issuance of building permits.*

*(b) Sills, leaders, belt courses, and similar ornamental features may project not more than 6 inches over any court or yard. Where a wall is located on a lot line, such projections may extend across the lot line in accordance with provisions contained in section 50-20 of the subdivision regulations concerning limitations on issuance of building permits.*

- (c) *Fire escapes may project not more than 5 feet over any minimum yard.*
- (d) *Outside stairways may project not more than 5 feet over a minimum rear yard only.*
- (e) *Chimneys in any one-family residential zone may project not more than 24 inches into any minimum front, rear, or side yard.*
- (f) *Chimneys in any R-30, R-20 or R-10 zone may project not more than 4 feet into any minimum front, rear or side yard.*
- (g) *Chimneys used as walls shall not be allowed to project into any minimum yard.*
- (h) *Air conditioners and heat pumps may project not more than 5 feet into any minimum front or rear yard. Additional projection shall be permitted for the purpose of adding noise abatement devices. Any air conditioners or heat pumps existing within any minimum side yard prior to July 27, 1982, shall not be considered a nonconforming use, and may be continued and replaced.*

## **2. Side and Rear Setbacks**

The Garrett Park Setback Ordinance Section 402 (b) (4) Adjustments of setback and lot coverage requirements cuts through all of the complicated verbiage and actually requires the same minimum combined side and rear setbacks as the Montgomery County Overlay Zone:

Side setbacks: sum of both sides:

- lots with over 60 feet in width at the building line - 25 feet
- lots with 60 feet or less in width at the building line - 20 feet

Rear setbacks:

- lots over 90 feet in depth - 25 feet
- lots with 90 feet or less in depth - 15 feet

**Bob Reinhardt, AIA**

Green Advantage Certified-Residential Architect

Reinhardt Architects

<http://www.reinhardt-architect.com/>

301-949-7554

On 6/8/09 1:55 PM, "Ted Pratt" <garrett-park@comcast.net> wrote:

Hello, Bob,

John makes a good suggestion here. Can you give me brief statements of your

disagreements with Harry so that I might accurately amend the draft minutes.

Thanks,  
Ted

Edwin Pratt, Jr., Town Administrator  
PO Box 84  
Garrett Park, MD 20896  
301 933-7488  
garrett-park@comcast.net  
www.garrettpark-md.gov <http://www.garrettpark-md.gov>

Begin forwarded message:

**From:** jmwking@gmail.com  
**Date:** June 8, 2009 1:47:50 PM EDT  
**To:** Ted Pratt <garrett-park@comcast.net>  
**Subject: Re: May Meeting Minutes**

Ted,

The only thing I would like to see added to the 5/28 minutes is that while he was explaining Harry Gordon's presentation, Bob Reinhardt explicitly disagreed with some of Harry's assertions.

I think it's worth noting so we can later work on understanding why there's a disagreement and how we can keep it from happening again.

-jk